

document can reveal Intelligence Sources and Methods even though the substantive information conveyed is not sensitive, per se, ^{Another power} ^{it can} ^{deduce it from} ^{it came into} ^{our possession.} A request for such a document could require the Agency to justify its classification for revealing the very Intelligence Sources and Methods the Director of Central Intelligence is obligated to protect. Furthermore, under the bill, anyone, regardless of citizenship or nationality, can force court action by simple petition, ^{by?} ~~whereby the Agency would be forced to disclose a national interest in order to protect a national interest.~~ ^{posing the danger of revealing Intelligence Sources and Methods to even to a foreigner.}

The Central Intelligence Agency, as the central repository for all foreign intelligence information, originates, receives and files hundreds of thousands of documents yearly. Under S. 2451 and S. 1726, these documents would be subject to automatic declassification two years after classification unless the agency head personally justifies in writing the continued protection of each document. It would be impossible for the Director to review personally every classified document, yet the review is vital and cannot be waived. Apart from the obvious security problems, this Agency ^{and} ^{I personally} simply could not operate under this arrangement.

The broad authority granted the Comptroller General to oversee the Agency's classification program would also raise a question of conflict with the Director's statutory responsibility to protect Intelligence Sources and Methods. ^{whose classification is}

The application of a single designation, "Secret Defense Data," for all material and information requiring protection, would make it extremely difficult to protect especially sensitive information deserving of distinctive marking ^{as is} permitted under Executive Order 11652.

It is not clear what purpose would be served by limiting classification to one designation as proposed. ^{This designation and its definition would also exclude many matters of importance to our foreign relations and national welfare but not strictly to our national defense.}

The requirement to furnish the names and addresses of all persons who have authority to classify information directly conflicts with Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C.A. 403g), which exempts the Agency from the provision of any law requiring the disclosure of the names of its employees. S. 1726 in Title V protects the identity of persons furnishing information to the media whether or not published and regardless of any possible criminality involved. This provision ~~rather than deter~~ could encourage the disclosure of classified information.

In view of the above consideration, we oppose the enactment of S. 1726 and S. 2451 in their present form. If either bill receives favorable consideration by your Committee, it is requested that ~~the Central Intelligence Agency~~ be specifically exempted, ~~as well as the National Security Agency and Defense Intelligence Agency,~~ which would be similarly affected. *in the same manner as Atomic Energy Restricted Data in S. 1726.*

The Office of Management and Budget advises there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby
Director

*The Central Intelligence Agency ^{specifically} be exempted
as well as
Intelligence Sources and Methods
in the same manner as Atomic
Energy Restricted Data in S. 1726.*

UNCLASSIFIED

Approved For Release 2001/09/07 : CIA-RDP75B00380R000500370011-9
INTERNAL
USE ONLY

CONFIDENTIAL

SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel
7D43

EXTENSION

6121

NO.

OLC 74-0974

DATE

13 May 1974

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director

5/14 5/14

wec
b12

Attached for your signature is our response to Chairman Ervin, Senate Government Operations Committee, on two bills which amend the Freedom of Information Act. Our comments on the bills are prepared in collaboration with OGC and other interested offices.

If you approve, we will forward to OMB for clearance.

STATINTL

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

George L. Cary
Legislative Counsel

Approved For Release 2001/09/07 : CIA-RDP75B00380R000500370011-9